

Smith (OR)
Snowe
Stevens

Thomas
Thompson
Thurmond

Torricelli

NAYS—43

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Enzi
Feingold

Feinstein
Grams
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln

Lugar
Mikulski
Moynihan
Murray
Reed
Roberts
Rockefeller
Sarbanes
Schumer
Specter
Warner
Wellstone
Wyden

NOT VOTING—2

Mack

Voinovich

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF Keith P. Ellison, of Texas, to be United States District Judge for the Southern District of Texas.

NOMINATION OF Gary Allen Feess, of California, to be United States District Judge for the Central District of California.

NOMINATION OF Stefan R. Underhill, of Connecticut, to be United States District Judge for the District of Connecticut.

NOMINATION OF W. Allen Pepper, Jr., of Mississippi, to be United States District Judge for the Northern District of Mississippi.

NOMINATION OF Karen E. Schreier, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) and the Senator from Florida (Mr. MACK) are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—94

Abraham
Akaka
Allard

Ashcroft
Baucus
Bayh

Bennett
Biden
Bingaman

Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham

Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell

Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Burns
Enzi

Helms
Smith (NH)

NOT VOTING—2

Mack

Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 4. The Senate does hereby advise and consent to the nominations of Keith B. Ellison of Texas, Gary Allen Feess of California, Stefan R. Underhill of Connecticut, W. Allen Pepper, Jr. of Mississippi, and Karen E. Schreier of South Dakota.

The President will be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, I am encouraged that the Senate confirmed five of the judicial nominees from the 45 pending before us. I am glad that the District Courts in Mississippi, South Dakota, Texas, Connecticut, and California will soon have additional judicial resources. I only wish that were true for the 69 other vacancies around the country.

In particular, I look forward to the Committee finally approving the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals this week and would ask the Majority Leader to take up that long-delayed nomination with the same expedition that is being. Fully one-quarter of the active judgeships authorized for that Court remain vacant, as they have been for several years. The Judicial Conference recently requested that Ninth Circuit judgeships be increased in light of its workload by an additional five judges. That means that while Ms. Berzon's nomination has been pending, and five other nominations are pending to the Ninth Circuit, that Court has been forced to struggle through its extraordinary workload with 12 fewer judges than it needs.

Marsha Berzon is an outstanding nominee. By all accounts, she is an exceptional lawyer with extensive appellate experience, including a number of cases heard by the Supreme Court. She has the strong support of both California Senators and a well-qualified

rating from the American Bar Association.

She was initially nominated in January 1998, almost 17 months ago. She participated in an extensive two-part confirmation hearing before the Committee back on July 30, 1998. Thereafter she received a number of sets of written questions from a number of Senators and responded in August. A second round of written questions was sent and she responded by the middle of September. Despite the efforts of Senator FEINSTEIN, Senator KENNEDY, Senator SPECTER and myself to have her considered by the Committee, she was not included on an agenda and not voted on during all of 1998. Her nomination was returned to the President without action by this Committee or the Senate in late October.

This year the President renominated Ms. Berzon in January. She participated in her second confirmation hearing two weeks ago, was sent additional sets of written questions, responded and got and answered another question. I do not know why these questions were not asked last year. I do hope that the Committee will vote to report her nomination to the Senate on Thursday and that the Senate will finally, at long last, take the opportunity to confirm her to the federal bench.

The saga of this brilliant lawyer and good person is a long one, but it is not an isolated story. Hers is not even the longest pending nomination. That distinction belongs to Judge Richard Paez who was initially nominated in January 1996—over three and one half years ago—favorably reported by this Committee last year but not voted upon by the Senate. He was renominated in January, as well. His nomination is in limbo before the Senate Judiciary Committee, more than three years after this fine Hispanic judge was first nominated by the President.

In addition, there is the nomination of Justice Ronnie L. White to the federal court in Missouri, a nomination I spoke to the Senate about earlier this week. This past weekend marked the 2-year anniversary of the nomination of this outstanding jurist to what is now a judicial emergency vacancy on the U.S. District Court in the Eastern District of Missouri. He is currently a member of the Missouri Supreme Court.

He was nominated by President Clinton in June of 1997, 2 years ago. It took 11 months before the Senate would even allow him to have a confirmation hearing. His nomination was then reported favorably on a 13 to 3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican members of the Committee who voted for him along with the Democratic members. Senators ASHCROFT, ABRAHAM and SESSIONS voted against him.

Even though he had been voted out overwhelmingly, he sat on the calendar, and the nomination was returned to the President after 16 months with no action.

The President has again renominated him. I have called again upon the Senate Judiciary Committee to act on this qualified nomination. Justice White deserves better than benign neglect. The people in Missouri deserve a fully qualified and fully staffed Federal bench.

Justice White has one of the finest records—and the experience and standing—of any lawyer that has come before the Judiciary Committee. He has served in the Missouri legislature, the office of the city counselor for the City of St. Louis, and he was a judge in the Missouri Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

Having been voted out of Committee by a 4-1 margin, having waited for 2 years, this distinguished African American at least deserves a vote, up or down. Senators can stand up and say they will vote for or against him, but let this man have his vote.

Twenty-four months after being nominated and after being renominated five months ago, the nomination remains pending without action before the Senate Judiciary Committee. People like Justice Ronnie L. White deserve to have their nominations treated with dignity and dispatch. Twenty-four months is far too long to have to wait for Senate action.

The Chief Justice of the United States Supreme Court wrote in his Year-End Report in 1997: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

For the last several years I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly and without the years of delay that now accompany so many nominations. I hope the Committee will not delay any longer in reporting the nomination of Justice Ronnie L. White to the United States District Court for the Eastern District of Missouri and that the Senate will finally act on the nomination of this fine African-American jurist.

In explaining why he chose to withdraw from consideration after waiting 15 months for Senate consideration, another minority nominee, Jorge Rangel, wrote to the President and explained:

"Our judicial system depends on men and women of good will who agree to serve when asked to do so. But public

service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits."

Justice White has been exceedingly patient. He remains one of the 10 longest-pending judicial nominations before the Senate, along with Judge Richard Paez and Marsha Berzon.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

As the Senate recesses for the Independence Day holiday, I am glad to see that the Senate is taking a few small steps toward responsible action by confirming five qualified District Court nominees. I will continue to work to see that the scores of remaining nominees be treated fairly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—Continued

Mr. McCONNELL. Mr. President, for the information of all of our colleagues, Senator LEAHY and I have a couple of housekeeping measures to attend to, which we will do now. Then there will be a vote on the McConnell-Abraham second-degree amendment. If that amendment is successful, we will move to final passage. If that amendment is not successful, it is my understanding Senator SARBANES wishes to address the Senate further on the underlying Brownback amendment.

AMENDMENT NO. 1159, AS FURTHER MODIFIED

Mr. McCONNELL. Mr. President, I send to the desk a modification of amendment No. 1159.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as further modified, is as follows:

On page 21, line 22, before the period insert the following: "Provided further, That of the amount appropriated under this heading, not to exceed \$2,000,000 shall be available for grants to nongovernmental organizations that work with orphans who are transitioning out of institutions to teach life skills and job skills": *Provided further*, that of the amount available under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES" for Romania, \$4,400,000 shall be provided solely to the Romanian Department of Child Protection for activities of such Department to provide emergency aid for the child victims of the present economic crisis in Romania, including activities relating to supplemental food support and maintenance, support for in-home foster care, and

supplemental support for special needs residential care".

AMENDMENT NOS. 1184 AND 1185

Mr. McCONNELL. Mr. President, I send an amendment on behalf of Senator BYRD and an amendment on behalf of Senator NICKLES to the desk. They have been cleared. I ask unanimous consent they be agreed to.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The amendments (Nos. 1184 and 1185) were agreed to, as follows:

AMENDMENT NO. 1184

(Purpose: To express the sense of the Senate regarding assistance under the Camp David Accords)

On page 128, between lines 13 and 14, insert the following new section:

SEC. ____ SENSE OF THE SENATE REGARDING ASSISTANCE UNDER THE CAMP DAVID ACCORDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Egypt and Israel together negotiated the Camp David Accords, an historic breakthrough in beginning the process of bringing peace to the Middle East.

(2) As part of the Camp David Accords, a concept was reached regarding the ratio of United States foreign assistance between Egypt and Israel, a formula which has been followed since the signing of the Accords.

(3) The United States is reducing economic assistance to Egypt and Israel, with the agreement of those nations.

(4) The United States is committed to maintaining proportionality between Egypt and Israel in United States foreign assistance programs.

(5) Egypt has consistently fulfilled an historic role of peacemaker in the context of the Arab-Israeli disputes.

(6) The recent elections in Israel offer fresh hope of resolving the remaining issues of dispute in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should provide Egypt access to an interest bearing account as part of the United States foreign assistance program pursuant to the principles of proportionality which underlie the Camp David Accords.

Mr. BYRD. Mr. President, my views on foreign assistance are well known. I don't like it. I understand there are circumstances in which the United States needs to extend a helping hand to other nations facing political and economic strains that we thankfully do not have to endure. I simply think that the United States spends too much of its citizens' hard-earned tax dollars overseas, and that is why I traditionally vote against the Foreign Operations Appropriations bill.

My reluctance to send U.S. tax dollars overseas leads me to scrutinize closely those programs that we do fund. One of the largest recipients of U.S. foreign assistance is the Middle East, and in particular Israel, and to a lesser extent, Egypt. These nations are our strongest allies in a troubled region, and I firmly believe that maintaining a strong relationship with them is in the best strategic interests of the United States. We cannot forget that it was Egypt and Israel that negotiated the Camp David Accords, an historic breakthrough in the efforts to